

REMARKS

STATUS OF CLAIMS

Claims 1-16 and 18-35 are currently pending in the present application.

Rejections Under 35 U.S.C. Section 103 and Interview Summary

In the Office Action dated April 29, 2005, the Examiner rejected claims 1-4, 6-13, 16, 19-26, and 28-34 under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. U.S. Appl. No. 2002/0128805 ("Goldman") in view of Lebel et al. USPN 6,334,807 ("Lebel"). The Examiner also rejected claims 5, 14, 15, 18, 27, and 35 under 35 U.S.C. 103(a) as being unpatentable over Goldman in view of Lebel, and further in view of Daft et al. U.S. Appl. No. 2003/0154062 ("Daft"). These rejections are respectfully traversed.

The Examiner is thanked for granting and cordially conducting an in-person interview on September 27, 2005, during which general agreement was reached (pending a further consideration by the Examiner). Specifically, and in accordance with 37 CFR Section 133:

- Claim 1 was discussed.
- Goldman and Lebel were discussed.
- The Examiner agreed that Goldman does not appear to describe the features relating to time-scaling the collected data. However, the Examiner reserved the right to review the present written response before finalizing his opinion.

Claim 1 recites the acts of "time-scaling the collected data to make the collected data a linear function of time" and "creating a model based on the time-scaled collected data." In other words, the collected data is adjusted (i.e., time-scaled) to remove time parameter dependent non-linearities, and then a model is created based on the time-scaled data. With respect to collected

data that has no non-linearity, the act of time-scaling the collected data would have no discernable effect.

In contrast, Goldman does not teach or suggest adjusting its collected data before creating a model based on the data. Goldman is simply silent with respect to any scaling of the data so that models can be more efficiently and accurately created. Hence, Applicant believes claim 1 and its dependent claims are patentably distinguishable from the cited prior art. Moreover, since all independent claims have been amended to include a similar feature (and since Lebel and Daft also do not disclose this feature, thus also overcoming the Section 103 rejections), Applicant believes all pending claims are allowable over the cited prior art. A notice to that effect is earnestly solicited.

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,
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